

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Gary K. Michelson )  
Serial No.: (Div. of 10/160,062) ) (Group Art Unit: 3732)  
Filed: March 26, 2004 ) (Examiner: M. Priddy)  
For: METHOD FOR INSTALLING )  
DYNAMIC, MODULAR, SINGLE-LOCK )  
ANTERIOR CERVICAL PLATE )  
SYSTEM HAVING ASSEMBLEABLE )  
AND MOVEABLE SEGMENTS )

MS Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed concurrently with the above-referenced application.

Copies of the listed documents were previously submitted in a prior Application No. 10/160,062, filed June 4, 2002, upon which applicant relies for the benefits provided in 35 U.S.C. § 120. Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: March 26, 2004

By: 

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Substitute for FORM PTO-1449	Attorney Docket Number 101.0111-01000	Customer No. 22882	
<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>	Applicant Gary K. Michelson, M.D.	Application Number (Div. of 10/160,062)	
(Use several sheets if necessary) Sheet <u>1</u> of <u>3</u>	Filing Date March 26, 2004	Group Art Unit (3732)	Examiner (M. Priddy)

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	Des. 402,032	12/1998	Stone			
	Des. 406,646	03/1999	Stone			
	Des. 440,311	4/2001	Michelson			
	Des. 449,692	10/2001	Michelson			
	Re. 31,628	07/1984	Allgower et al.			
	1,105,105	7/1914	Sherman			
	3,604,414	9/1971	Borges			
	4,488,543	12/1984	Tornier			
	4,493,317	01/1985	Klaue			
	4,503,848	3/1985	Caspar et al.			
	4,651,724	03/1987	Berentey et al.			
	4,794,918	01/1989	Wolter			
	4,936,848	6/1990	Bagby			
	5,041,113	08/1991	Biedermann et al.			
	5,053,036	10/1991	Perren et al.			
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	2002/0111630	8/2002	Ralph et al.			

#### FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	DE 4409833	10/1995	Germany			Abstract Only
	DE 4414781	11/1995	Germany			U.S. Equivalent US 5,662,652
	WO 94/26193	Nov-94	WIPO			N/A
	WO 95/35067	12/1995	WIPO			N/A

	WO 96/08206	03/1996	WIPO			N/A
	WO 96/39975	12/1996	WIPO			N/A
	WO 99/56653	11/1999	WIPO			N/A
	WO 01/26566	4/2001	WIPO			N/A
	WO 01/89428	11/2001	WIPO			N/A
	WO 02/085226	10/1002	WIPO			N/A
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>						
	Advertisement for Codman Anterior Cervical Plate System by Codman; Johnson & Johnson; Professional, Inc.; undated.					
	AESCULAP Scientific Information Booklet; <u>Anterior Cervical Fusion and Interbody Stabilization with the Trapezial Osteosynthetic Plate Technique</u> by Wolfhard Casper; 2/86.					
	SYNTHES Spine Brochure for <u>Cervical Spine Locking Plate</u> ; 1991.					
	ORION Brochure; <u>Anterior Cervical Plate System, Surgical Technique</u> , as described by Gary L. Lowery, M.D., Ph.D.; 1996.					
	CODMAN Brochure; <u>Anterior Cervical Plate System</u> ; 9/1995.					
	SPINAL CONCEPTS Brochure: <u>The Acufix, Anterior Cervical Plate System</u> ; undated.					
	EBI Brochure: <u>Introducing EBI VueLock, Anterior Cervical Plate System</u> ; 2001.					
	BLACKSTONE Brochure: <u>Blackstone Anterior Cervical Plate</u> ; undated.					
	ALPHATEC MANUFACTURING Brochure: <u>Deltaloc, Anterior Cervical Plate System</u> ; undated.					
	SOFAMOR DANEK Brochure: <u>Atlantis, Anterior Cervical Plate System</u> ; undated.					
	ORTHO DEVELOPMENT Brochure: <u>Ortho Development Cervical Plate</u> ; undated.					
	OSTEOTECH Brochure: <u>Affirm, Anterior Cervical Plate System</u> ; undated.					
<b>EXAMINER</b>		<b>DATE CONSIDERED</b>				
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.						